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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re)	
ROWYDA ISHAK,)	CASE NO. 18-30795-pcm7
)	
Debtor.)	
)	
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KENNETH S. EILER, Trustee,)	Adv. Proc. No.
)	
Plaintiff,)	COMPLAINT TO OBTAIN APPROVAL
)	OF SALE OF INTERESTS OF THE
v.)	ESTATE AND CO-OWNER IN
)	PROPERTY
MAHER ABS,)	
)	
Defendant.)	
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Plaintiff alleges as follows:

INTRODUCTORY ALLEGATIONS

1. This adversary proceeding is brought pursuant to 11 U.S.C. § 363(h) and FRBP 7001(3) to obtain the approval of the sale of both the interests of the estate and a co-owner in certain property.

2. This is a core proceeding and the Court has jurisdiction over this action under 28 U.S.C. §§ 1334, 157(b)(1), and 157(b)(2)(N).

3. On March 9, 2018 (the “Petition Date”), Rowyda Ishak (the “Debtor”) filed a voluntary petition for relief under Chapter 7 of title 11 of the United States Bankruptcy Code. On July 15, 2020, the Bankruptcy Court entered an order reopening the Debtor’s Chapter 7.

4. Kenneth S. Eiler (the “Trustee”) was appointed Chapter 7 Trustee.

CLAIM FOR RELIEF

(To Approve Sale of Interests of Estate and Co-Owner in Property)

5. The Trustee re-alleges paragraphs 1 through 4 above.

6. The Debtor and Defendant are co-owners of real property and improvements commonly known as 621 N/ SE 142nd Avenue, Portland, OR 97233, which has a legal description of set forth in Exhibit A, County of Multnomah, State of Oregon (the “Property”).

7. Partition in kind of the Property among the estate and the Defendant is impracticable.

8. Sale of the estate’s undivided interests in the Property would realize significantly less for the estate than the sale of such property free of the interest of the Defendant.

9. The benefit to the Debtor’s estate of a sale of the Property free of the interests of the Defendants outweighs the detriment, if any, to the Defendant.

10. The Property is not used in the production, transmission, or distribution for sale, of electric energy or of natural or synthetic gas for heat, light, or power.

PRAYER

WHEREFORE, the Trustee prays for entry of a judgment as follows:

1. For approval of the sale of both the interests of the estate and of the Defendant in the Property; and
2. For such other and further relief as the Court deems just and proper.

DATED: September 14, 2020

LANE POWELL PC

By /s/ David W. Criswell

David W. Criswell

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EXHIBIT A

LEGAL DESCRIPTION

Parcel 2, PARTITION PLAT NO. 2008-035, according to the official Plat thereof, recorded March 21, 2008 as Fee No. 2008-043283, in the City of Portland, County of Multnomah and State of Oregon.